



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 3 0 2004

PATENT AND TRADEMARK OFFICE

BWX TECHNOLOGIES, INC.
1562 BEESON STREET
ALLIANCE OH 44601

In re Application of
Brandsberg, et al.
Application No.: 10/716,210
Filed: November 18, 2003
Attorney Docket No.: 7003
For: LOW LOSS SUPERCONDUCTING CABLE
IN CONDUIT CONDUCTOR

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

DECISION REFUSING JOINDER

Aug. 14. 04
Sep. 14. 04

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed June 21, 2004 (certificate of mailing date June 17, 2004).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Response to Decision Refusing Joinder." **Failure to respond will result in abandonment of the application.**

Papers filed on June 21, 2004 (certificate of mailing date June 17, 2004) included a declaration executed by the three living inventors and the previously non-signing representative of the deceased inventor, Ms. Maourina. Unfortunately, the declaration contains an noninitialed, nondated alteration to Ms. Maourina's post office address. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a).

Pursuant to 37 CFR 1.67(a)(2), Ms. Maourina must execute a supplemental declaration listing her correct information and identifying all joint inventors and their information. Only Ms. Maourina's signature is required on the supplemental declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450
ATTN: E. Shirene Willis

By hand: Crystal Plaza 1 Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202
ATTN: E. Shirene Willis

By FAX: (703) 872-9306
ATTN: Office of Petitions – E. Shirene Willis

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

Dfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
AUG 3 0 2004
PATENT & TRADEMARK OFFICE

In re Patent Application of :
BRANDSBERG, T.A. et al. :
Filed: November 18, 2003 : LOW LOSS SUPERCONDUCTING
Serial No: 10/716,210 : CABLE IN CONDUIT CONDUCTOR
Art Unit: N/A :
Examiner: N/A : (Case 7003)

Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450
ATTN: E. Shirene Willis

RESPONSE TO DECISION REFUSING JOINDER

Dear Sir:

In response to the decision on the reconsideration petition 37 CFR §1.47(a) mailed July 14, 2004 (copy enclosed), enclosed is the requested executed DECLARATION executed by Mr. Vladimir Karasik's legal representative, Ms. Anjella Maourina. Ms. Maourina is Mr. Karasik's widow.

As required in the Decision, Mrs. Maourina's current address has been provided and Mrs. Maourina executed the document showing her current address as required by 37 CFR §1.67(a)(2).

The Commissioner is hereby authorized to charge payment during the pendency of this application or credit any overpayment to Deposit Account No. 50-1807. A duplicate of this transmittal is enclosed.

The U.S. Patent and Trademark Office is requested to contact the undersigned Applicants' attorney at (330) 860-6710 should there be any questions regarding this matter.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, ATTN: E. Shirene Willis on August 27, 2004 (Date).

Amy M. Jaus
Name of Person Mailing Paper or Fee

Signature Date

D. Neil LaHaye
D. Neil LaHaye, Reg. No. 30,767
Attorney of Record
BWX TECHNOLOGIES, INC.
Law Department, Patent Section
1562 Beeson Street
Alliance, OH 44601
(330) 860-6710

AUG 30 2004



DECLARATION FOR PATENT APPLICATION

Docket No. 7003

As below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled, **LOW LOSS SUPERCONDUCTING CABLE IN CONDUIT CONDUCTOR**, the specification of which:

(check) one is attached hereto

was filed on November 18, 2003 as United States or PCT International application Serial No. 10/716,210 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 USC §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or under §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

Yes No

(Number)	(Country)	(Day/Month/Year Filed)
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I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

(Application Serial No.)	(Filing Date)
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I hereby claim the benefit under 35 USC §120 of any United States application(s), or under §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which become available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Serial No.)	(Filing Date)	(Status--patented, pending, abandoned)
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: (1) D. Neil LaHaye, Reg. No. 30,767 and (2) Eric Marich, Reg. No. 32,265

Address all telephone calls to
Address all correspondence to

D. Neil LaHaye at telephone no. (330) 860-6710
BWX Technologies, Inc.
Law Department, Intellectual Property
1562 Beeson Street
Alliance, OH 44601-2196



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PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor, TIMOTHY A. BRANDSBERG	Full name of third inventor, CHARLES M. WEBER
---	--

 Inventor's signature _____ | Inventor's signature _____ |

Date _____ Citizenship U.S.	Date _____ Citizenship U.S.
Residence Goode, Virginia	Residence Forest, Virginia
Post office address 200 Hunting Lane	Post office address 107 Lake Ridge Drive
Goode, VA 24556	Forest, VA 24551

Full name of third inventor, CHARLES M. WEBER
--

 Inventor's signature _____ |

Date _____ Citizenship U.S.	Date _____ Citizenship U.S.
Residence Goode, Virginia	Residence Forest, Virginia
Post office address 200 Hunting Lane	Post office address 107 Lake Ridge Drive
Goode, VA 24556	Forest, VA 24551

Full name of second inventor ROBERT R. BATCHELDER	Full name of fourth inventor, if any VLADIMIR KARASIK (deceased) / Representative Anjella Maourina <input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor
--	--

Inventor's signature _____ | Deceased Inventor's Rep's Signature Anjella Maourina Date 08. 06. 2004 |

Date _____ Citizenship U.S.	Citizenship Russian
Residence Lynchburg, Virginia	Deceased Last Residence Forest, VA
Post office address 207 Ashmont Court	Rep's Residence Moscow, Russia
Lynchburg, VA 24503	Deceased Last Post Office Add. 209 Shady Oak Lane, Forest, VA 24551

Full name of fourth inventor, if any VLADIMIR KARASIK (deceased) / Representative Anjella Maourina <input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor
--

Deceased Inventor's Rep's Signature <u>Anjella Maourina</u> Date <u>08. 06. 2004</u>
Citizenship Russian
Deceased Last Residence Forest, VA
Rep's Residence Moscow, Russia
Deceased Last Post Office Add. 209 Shady Oak Lane, Forest, VA 24551
Rep's Post Office Add. Apt. 44, house 4, korpus 1, Zyuzinskaya Street, Moscow 117418 RUSSIA